

REMARKS

Claims 21-37 are pending in the application. All of the pending claims presently stand rejected under Section 112, first paragraph. And, all of the pending claims also stand rejected under Section 102(e) over *Calderbank*.

The independent claims, claims 21 and 31, are amended, as set forth herein, now to recite that the difference matrix multiplied together with a hermetian of the difference matrix is proportional to an identity matrix. Various of the dependent claims have also been amended, responsive to the amendments made to their respective parent claims.

The claims, as now recited, are believed to recite subject matter that is disclosed in the specification, for instance, on page 16, line 2 thereof. The claims, as now recited, are also believed to recite subject matter that is patentably distinct over the subject matter of *Calderbank*. Accordingly, the rejections under Sections 112, first paragraph and 102(e) are traversed.

A Declaration under Rule 132 by the inventor is enclosed herewith under separate title. The declaration sets forth facts by the Inventor, a person skilled in the art, that show that the recited invention is disclosed in the specification and that the recited invention differs with *Calderbank*.

And, in particular, the Declaration includes statements directed to the explanation of the equation set forth on page 16, line 2, and is believed to show that one skilled in the art would know that such equation describes a difference matrix multiplied together with a hermetian of the difference matrix that is set forth in the claims.

The rejection under Section 112, first paragraph, is, accordingly, traversed.

Also as set forth in the Declaration, there is no disclosure in *Calderbank* of a difference matrix multiplied together with a hermetian of the difference matrix that is proportional to an identity matrix for at least a shortest error event, as recited in the independent claims.

The rejection under Section 102(e) is also, accordingly, traversed.

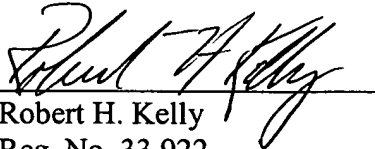
The dependent claims, that include all of the limitations of their respective parent claims, are believed to be distinguishable over *Calderbank* for this same reason and, further, also to recite subject matter that is in conformity with Section 112, first paragraph.

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In light of the foregoing, independent claims 21 and 31, and the dependent claims dependent thereon are believed to be in conformity with Section 112, first paragraph, and to recite patentable subject matter. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested.

Respectfully submitted,

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